

MEDIA RESPONSE PROCEDURES FOR THE INDEPENDENT INVESTIGATIONS DIVISION

Pursuant to Maryland Code, State Government Article, § 6-602, the Office of Attorney General's Independent Investigations Division ("IID") and the Maryland State Police ("MSP") will lead the primary criminal investigation of police-involved incidents that result in the death of a civilian or injuries likely to result in death.

Communication with the public and media in the wake of a fatal or potentially fatal incident must balance the public's desire for quick answers, the need for accuracy, and the need to convey the independence of the investigation. We understand that the public wants information soon after an event occurs, and that local Law Enforcement Agencies ("LEA") will often be called on to provide some information before the IID and MSP have fully taken control of the investigation. We also understand that the legislature has assigned responsibility for these cases to the IID and MSP, and it is important to convey to the public that these investigations are in fact being handled independently. The policy below is an attempt to balance those goals.

I. Initial media response

A local LEA may choose, at its discretion, to defer all public response to the IID. A member of the IID with responsibility for media response will respond to the scene as soon as is practical. Whether or not the local LEA plans to make a public statement, we ask that they make available to the IID a public information officer or an individual with similar responsibilities who can assist the IID in gathering information. That person should begin gathering preliminary information before the IID arrives.

A local LEA may also choose to make a public statement or release certain limited information in the immediate aftermath of an incident. To the extent possible, the local LEA will consult with IID prior to the release of this information. The local LEA may generally include the following information in its public statement:

- The date, time, and location of the incident.
- The type of call for service that led officers to the scene.
- Information concerning injuries sustained by any surviving civilians and/or an officer, and whether any individuals were transported to the hospital.
- How many officers discharged their firearms.
- Whether a weapon was recovered or located on-scene.
- Basic information regarding the age, race, duty assignment, tenure, and current administrative status of the officer(s).
- Each police department will include in their remarks a statement confirming that the investigation into the officers' conduct will be conducted by the Maryland Attorney General's Office Independent Investigative Division, with assistance provided by his/her department as requested.

Notification of the release of this information should be provided to the IID investigative supervisor or media contact preferably prior to, or at least simultaneously with the public release.

II. Subsequent media response

Upon completion of the initial public/media notifications, the local LEA may continue to provide periodic updates involving an ongoing community threat, such as a continuing search for a suspect, or any road or business closures. If the local LEA wishes to release a written statement detailing the facts already released in the initial media response (see section I, above), it should consult with the IID before doing so.

Otherwise, further comment or the release of additional information or materials that could be considered evidentiary or could impact the integrity or outcome of the investigation should come from the IID, not from the local LEA. This includes:

- body camera footage;
- in-car camera footage;
- surveillance footage;
- commercial or residential security camera footage;
- crime-scene or other photographs, other than photos related to a continuing search for a suspect;
- photographs or video footage taken by witnesses;
- detailed statements provided by officers/deputies involved;
- detailed statements provided by witnesses or suspects;
- test results of any kind;
- investigative reports;
- autopsy information, including cause/manner of death;
- legal conclusions about an officer's conduct;
- any information that could be considered investigative or evidentiary.

If the local LEA believes that the release of such information is necessary, it will consult with and obtain the approval of the IID, to avoid impacting the outcome of the investigation.

The IID will generally release the name of the involved officers within 48 hours of the incident, though that period may be extended if an officer is injured, or if there is a specific reason to believe that an officer's safety is at risk. If the local LEA wishes to release the name of the officer itself prior to the IID doing so, it may, after consultation with the IID.

The IID will generally release body camera footage within 14 days of the incident. There may be situations where more than 14 days is necessary, including if investigators need more time to complete witness interviews, if there are technical delays caused by the need to redact the identities of civilian witnesses, or to allow family members to view the video before it is released to the public.

III. Completion of Investigation

Upon completion of the investigation and review by the Maryland Office of the Attorney General, the IID will confirm on its website that it has completed the investigation and forwarded its report to the relevant State's Attorney's Office. The IID will notify the relevant local LEA

when its investigation is complete. By statute, the report remains confidential until any prosecution is complete, and therefore the IID will not comment on the content of its report.

The IID will release the report, with appropriate redactions for confidentiality, within 30 days of a final judgment of all defendants in a prosecuted case, or within 30 days of a determination by the SAO or other relevant prosecutorial entity that they are declining to prosecute.